

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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429 HOLDINGS LLC,

PLAINTIFF,

CIVIL ACTION No. 18-01802 (BMC)

-AGAINST-

SO ORDERED STIPULATION

421 KENT DEVELOPMENT, LLC,

DEFENDANT.  
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WHEREAS, Plaintiff, 429 Holdings LLC ("Plaintiff") alleges that it is the assignee of a condominium purchase and sale agreement (the "Agreement") executed between Defendant, 421 Kent Development, LLC ("Defendant"), and Plaintiff's assignor, Ryan Black, for the purchase of Unit 901 at the Oosten Condominium, 429 Kent Ave., Brooklyn, N.Y. ("Unit 901");

WHEREAS, Plaintiff filed an action for specific performance of the Agreement, among other claims, and separately filed an order to show cause for a preliminary injunction restraining Defendant and its agents, servants, employees, attorneys or other persons acting by through, under or in concert with Defendant (collectively, "Defendant's Agents") from (1) selling, transferring or encumbering Unit 901 to anyone but Plaintiff or Plaintiff's assignee pending a final determination of this action, and (2) commencing an eviction proceeding or otherwise bringing any action for specific performance or damages against Plaintiff, Ryan Black and/or Lauren Black with regard to Unit 901 (the "Preliminary Injunction");

WHEREAS, Defendant has filed an answer and counterclaims in this action;

WHEREAS, no court has decided Plaintiff's order to show cause for the Preliminary Injunction;

WHEREAS, Defendant agrees that unless and until it serves the 30-day Notice (defined below in ¶2), Defendant and Defendant's Agents shall not 1) sell, transfer or encumber Unit 901 to anyone but Plaintiff or Plaintiff's assignee, or (2) commence an eviction proceeding or any other proceeding against Plaintiff, Ryan Black and/or Lauren Black with regard to Unit 901, except in this Court;

WHEREAS, Plaintiff agrees it shall not seek an order granting the Preliminary Injunction against Defendant, as long as Defendant has not served the 30-day Notice upon Plaintiff.

THEREFORE, it is hereby agreed by and between the parties, by their respective attorneys, as follows:

1. Unless and until Defendant serves the 30-day Notice, Defendant and Defendant's Agents shall not (1) sell, transfer or encumber Unit 901 to anyone but Plaintiff or Plaintiff's assignee, nor (2) commence an eviction proceeding or any other proceeding against Plaintiff, Ryan Black and/or Lauren Black with regard to Unit 901, except in this Court;

2. Defendant may withdraw from this Stipulation at any time, upon 30 days prior written notice to Plaintiff (the "30-day Notice"), by service upon Plaintiff's counsel at least 30 days prior to the date of withdrawal.

3. The parties regard Plaintiff's order to show cause for a preliminary injunction currently pending before the Court as moot, unless and until such time as Defendant serves the 30-day Notice.

4. Upon service of the 30-day Notice, Plaintiff may file a renewed motion for the Preliminary Injunction with a return date prior to the last date of the 30-day Notice period.

5. While Defendant may appear in opposition to any such renewed motion for the Preliminary Injunction, Defendant agrees that if it seeks to adjourn a hearing on the renewed Preliminary Injunction motion to a date after the 30-day notice period has run, this Stipulation shall remain enforceable until such date of the adjourned hearing on Plaintiff's renewed motion for the Preliminary Injunction.

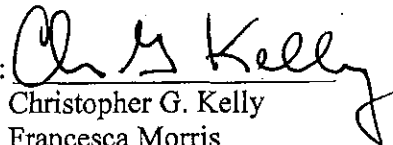
6. A facsimile or electronic signature on this stipulation will be deemed to be an original and this stipulation may be signed in counterparts.

Dated: New York, New York  
May 7, 2018

DelBello Donnellan Weingarten Wise  
& Wiederkehr, LLP

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SO ORDERED: 5/8/18

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HON. BRIAN M. COGAN